

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK**

**In re:**

**VANMOOF B.V.,**

**Debtor in a Foreign Proceeding.**

**Chapter 15**

**Case No. 23-42965-JMM**

**ORDER GRANTING IN PART MOTION FOR PROVISIONAL RELIEF**

Upon the *Motion for Provisional Relief Pursuant to 11 U.S.C. §§ 1519, 1521(a)(7), 105(a), and 362* (the “Motion”) (ECF No. 6), filed on August 23, 2023 by Johannes A.H. Padberg and Robin P.A. de Wit (the “Foreign Representatives”), the authorized foreign representatives in respect of the VANMOOF B.V. bankruptcy proceeding bearing case number C/13/23/204 F in the Amsterdam District Court, Private Law Division pursuant to the Bankruptcy Act of the Netherlands and Article 3 of EU Regulation 2015/848 of the European Parliament and the Council of the European Union, for entry of an order (this “Order”) granting provisional relief; upon consideration of the Objection to the Motion for Provisional Relief filed by Robert Mallin and Melissa Rosenfield (the “Litigation Plaintiffs”) (ECF No. 11); and upon the record of the hearing held before this Court on August 29, 2023,

THIS COURT HEREBY FINDS AND DETERMINES THAT:

A. The Court has jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(P). Venue for this proceeding is proper before this Court pursuant to 28 U.S.C. § 1410.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The Motion is granted in part to the extent provided herein.
2. The automatic stay under 11 U.S.C. § 362 is imposed with respect to VanMoof

B.V. (the “Debtor”) and its property within the territorial jurisdiction of the United States for a period of thirty (30) days from the hearing date on August 29, 2023 through and including September 28, 2023, staying the commencement or continuation of any actions against the Debtor.

3. The automatic stay under 11 U.S.C. § 362 is imposed with respect to non-debtor VanMoof USA Inc. for a period of thirty (30) days from the hearing date on August 29, 2023 through and including September 28, 2023, for the exclusive purpose of staying the litigation pending in the New York Supreme Court, captioned *Mallin v. VanMoof USA, Inc.*, and bearing Index No. 509006/2021 (the “New York Litigation”).

4. By agreeing to entry of this Order, the Litigation Plaintiffs do not waive and will not be deemed to have waived the right to seek to lift or modify the automatic stay to allow the New York Litigation to proceed.

5. Notwithstanding anything to the contrary contained herein, nothing in this Order serves to grant any injunction that is prohibited under section 1519(d) of the Bankruptcy Code.

6. This Court ~~shall~~ may (JMM) retain jurisdiction with respect to the enforcement, amendment or modification of this Order.

Dated: September 1, 2023  
Brooklyn, New York



  
Jil Mazer-Marino  
United States Bankruptcy Judge